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October 8, 1996

EX PARTE OR LATE FILED

EX PARTE

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

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**RECEIVED**

OCT - 8 1996

Federal Communications Commission  
Office of Secretary

Re: *Implementation of the Non-Accounting Safeguards of Section 271 and 272 of the Communications Act of 1934 and Regulatory Treatment of LEC Provision of Interexchange Services Originating in the LEC's Local Exchange Area, CC Docket No. 96-149*

Dear Mr. Caton:

On September 25, 1996, representatives of SBC Communications Inc. (SBC) met with staff members of the Common Carrier Bureau's Policy and Program Planning Division to discuss its position in the above-referenced rule making proceeding.\* During the meeting, staff members requested that SBC submit information and supporting written materials concerning reporting requirements imposed upon Southwestern Bell Telephone Company (SWBT) and other carriers by State regulatory authorities. Pursuant to the formal request of Commission staff, SBC hereby provides copies of the rules and requirements of Arkansas (general service rules and rules applicable to interexchange carriers), Missouri, Oklahoma, and Texas.

The extensive State requirements demonstrate that there are sufficient mechanisms in place to protect the interests of consumers and new entrants. The quality of service rules and reporting requirements also effectively prevent the possibility of discriminatory or anti-competitive conduct by telecommunications carriers. Finally, carriers' reports are made available for public inspection.

Pursuant to Section 1.1206(a)(1) of the Commission's rules, 47 C.F.R. § 1.1206(a)(1), two copies of this letter and the materials are provided for your use.

No. of Copies rec'd 022  
List A B C D E

\* See Ex Parte Letter from Todd F. Silbergeld, Director-Federal Regulatory, SBC Communications Inc. to William F. Caton, Acting Secretary, FCC, dated September 26, 1996.

Mr. William F. Caton  
October 8, 1996  
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Should you have any questions concerning the foregoing, do not hesitate to contact me.

Very truly yours,

Todd F. Silbaugh

**Attachments**

cc: Ms. Radhika Karmarkar  
Ms. Michelle Carey  
Ms. Cheryl Leanza

# **ARKANSAS PUBLIC SERVICE COMMISSION**



## **GENERAL SERVICE RULES**

**GENERAL SERVICE RULES**  
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**General Service  
Rules**

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**GENERAL SERVICE RULES**  
**ADMINISTRATIVE HISTORY**

<u>Docket</u>	<u>Date</u>	<u>Order No.</u>	<u>Subject Matter of Docket/Order</u>
107	11-24-36	--	<u>Adoption of Rules &amp; Regulations Governing Utility Service, and Special Rules Gas, Water, Electricity and Telephone.</u>
107	06-30-38	--	Odorization of natural gas.
U-1104	03-08-56	--	General revision of the Rules.
U-1104	11-18-68	--	Amended Rule 12.
U-2395	01-22-73	--	<u>Special Rules - Telephone Companies</u> amended and separated from the Rules.
U-2888	11-08-78	--	Amended Rules 6, 7, 8, 9 and 10.
F-001	04-21-81	14	Amended Rules 6 & 8. (See also Orders No. 5, 6, 10, 11, 13 of this Docket.)
F-004	11-14-80	2	Amended Rule 6.
F-005	06-04-80	7	Amended Rule 10D.
81-221-U	12-15-81	4	Amended Rule 10B.
82-290-R	06-15-83	3	General rule revision. Rules renamed <u>General Service Rules</u> . <u>Special Rules Gas, Water and Electricity</u> separated from these Rules. Adopted revisions pro- posed by Order No. 1, with modifications.
82-290-R	01-31-84	8	General rule revision. Re- affirmed revisions adopted by Order No. 3, with modifications.
82-290-R	05-01-84	9	Revised Rule 10E. Republished by Order No. 10.
84-212-R	02-21-85	4	Revised Rules 9, 12. Repub- lished by Order No. 5.

## GENERAL SERVICE RULES

### ADMINISTRATIVE HISTORY

<u>Docket</u>	<u>Date</u>	<u>Order No.</u>	<u>Subject Matter of Docket/Order</u>
85-054-R	07-22-85	4	Revised Rules 5, 6, 8, 10, 12. Republished by Order No. 6.
92-248-R	06-16-94	7	General rule revision.
95-201-R	01-25-96	6	Eliminates Class K Carrier definition and amends Rule 1.01.

## **DEFINITIONS**

### **Applicant**

Any person or entity requesting utility service, except as excluded by the Exception in the Commission's General Service Rules, Section 3.01.B.

### **Business Office**

A utility office where an individual may arrange for service connection, make or arrange to make payments on his bill, and ask questions regarding service or the status of his account.

### **Character of Service**

The distinguishing features that identify the type of service provided to the customer, for example, three-phase service or call waiting service.

### **Class of Service**

A customer group which has similar characteristics such as volume of use, time of use, extent of use and nature and purpose of use, as classified by the utility and approved by the Commission for ratemaking purposes. For example, the commercial or residential class of service.

### **Closed or "Finaled" Account**

A permanent shut-off of service by a utility to a customer account.

### **Commission**

The Arkansas Public Service Commission.

### **Complaint**

Any objection from an applicant or customer concerning a charge, facility, rule, service, or other Commission-regulated activity that requires:

- (1) an investigation or an account review; and
- (2) corrective action by a utility.

### **EXCEPTIONS:**

Trouble reports, as defined in the Commission's Special Rules, and initial calls to the appropriate telecommunications utility resulting in unchallenged, voluntary toll adjustments by the utility, shall not be considered complaints under this definition.

### **Customer**

Any person or entity who has applied for and agreed to pay for utility service.

### **Deposit**

An amount paid to a utility by an applicant or customer to guarantee payment for utility service.

### **Display**

To have an item conspicuously available for public inspection in the public reception area of each utility business office.

### **Elderly Person**

A residential customer who is at least 65 years old.

### **Estimated Bill**

Any bill which does not reflect an actual meter reading for gas, water, or electric service. Any actual meter reading for electric, gas, or water service which is changed by a utility before billing shall also be considered an estimated bill.

**Extended Due Date**

Regular monthly extension or change of a bill's due date by a utility.

**Failure to Pay**

Failure to pay includes payment by check, other negotiable instrument, or automatic draft that is dishonored by a bank for reasons other than bank error.

**Grade of Service**

The number of parties served on a telephone line, such as one-party, two-party, four-party, etc.

**Handicapped Person**

Any residential customer who is certified to the utility as having a severe physical or mental impairment which substantially limits his ability to pay for utility service. Certification shall be provided by a physician, licensed psychologist, the United States Veterans Administration, the Social Security Administration, the Arkansas Department of Human Services, the Arkansas State Hospital, or a licensed mental health center.

**Insufficient Funds Check**

Any negotiable instrument such as a check or automatic bank draft dishonored by a bank for reasons other than bank error.

**Interest**

Interest rate set annually by the Commission for customer deposits as required by Ark. Code Ann. § 23-4-206(b).

**Interruption of Service**

Temporarily stopping service for maintenance, testing, repair, or safety.

**Kind of Service**

Either electric, natural gas, telephone, water, or sewer service.

**Landlord**

The owner, agent, manager, or lessor of premises who receives lease, rent, or other payments which include amounts for utility service.

**Local Exchange Carrier**

A telecommunications utility that has been allocated a franchised geographic territory and certificated by the Commission to provide local network access (dial tone) to end users of telecommunications services.

**Outage**

An unplanned temporary loss of utility service caused by a malfunction of or damage to utility facilities.

**Payment Agent**

A business located in the community which acts as an agent for the utility by accepting utility payments from customers.

**Payment Date**

The date the utility or its authorized agent receives payment on an account.

**Physician**

Any person licensed to practice medicine by the Arkansas State Medical Board or a comparable licensing authority of another state.

**Public Utility or Utility**

A jurisdictional utility as defined by Ark. Code Ann. §23-1-101.

## **Rider**

A tariff which includes an addition or amendment applicable to one or more rate schedules.

## **Rules or Commission Rules**

These General Service Rules.

## **Serious Medical Condition**

An illness or injury which results in a physician's determination that the loss of utility service would give rise to a substantial risk of death or gravely impair health. A serious medical condition shall exist in the case of elderly persons or infant children under the age of 12 months if a physician certifies that the loss of utility service will gravely impair health, regardless of the current existence of illness or injury.

## **Special Rules or Commission's Special Rules**

Special Rules-Telecommunications, Special Rules-Electric, Special Rules-Water, or Special Rules-Gas.

## **Suspension of Service**

A temporary shut-off of service by a utility without a customer request -- not an outage or an interruption of service.

## **Tariff**

A rate schedule, service regulation, or other document required to be filed as a tariff by the Commission's Rules of Practice and Procedure and approved by the Commission or by operation of law.

## **Utility Service**

Service provided by a public utility and subject to regulation by the Commission.



## **SECTION 1. APPLICABILITY AND SCOPE**

### **Rule 1.01. Applicability**

These Rules shall apply to all whose activities bring them under the jurisdiction of the Commission except for interexchange carriers.

### **Rule 1.02. Purpose and Scope**

- A. These Rules set forth standards for service by each utility. These Rules are intended to ensure adequate service, prevent discrimination and unfair practices, and protect both the consumers and utilities from unreasonable demands.
- B. Any general utility service regulation, policy, procedure, rule, or service application, except those approved in special contracts by this Commission, that conflicts with these Rules is void and unlawful, unless the utility files a formal application for an exemption and the Commission approves it. These Rules are not intended to, and do not, affect or replace any Commission-approved general service regulation, policy, procedure, rule, or service application of any utility which addresses items other than those covered in these Rules.
- C. Unless the context otherwise requires, wherever the masculine gender is used in these Rules, it shall include the feminine gender.
- D. Unless the context otherwise requires, wherever the singular form of a word is used in these Rules, it shall include the plural form, and wherever the plural form is used, it shall include the singular.

### **Rule 1.03. Exemption from Rules**

Amendments or exemptions to the Commission's Rules may be granted by the Commission in conformity with the Commission's Rules of Practice and Procedure, or as otherwise provided within these Rules.

### **Rule 1.04. Duties Under the Law**

These Rules shall in no way relieve any person or entity of any duty under the laws of the State of Arkansas or the United States of America.

**Rule 1.05. Discrimination Prohibited**

A utility shall not unlawfully discriminate against an applicant for service or an existing customer in the provision of utility service based on race, color, creed, religion, national origin, sex, marital status, or receipt of public assistance.

**Rule 1.06. Retaliation Prohibited**

A utility shall not retaliate against any applicant or customer for exercising a right or enforcing an obligation created by any Commission Rule or for acting within the law.

**Rule 1.07. Availability of Rules**

**A. Utilities**

**(1) To Employees**

Utility employees who are responsible for the application and explanation of any of these Rules shall have ready access to those Rules which apply to their respective job responsibilities. Ready access to the Rules means that they are easily accessible to a utility employee in his work area at the utility's offices.

**(2) To Members of the Public**

**a. Notice to Public**

Each utility business office shall post an 8 and 1/2 inch by 11 inch notice stating that these Rules are available for public use. The notice shall be in the following form and will be provided through the Commission's Consumer Services Office:

**NOTICE TO CUSTOMERS**

The Arkansas Public Service Commission governs many areas of customer service for this utility. The Commission's Rules contain important information about rights and responsibilities for applicants and customers. Copies of the Commission's Rules and Commission-approved company tariffs and service regulations are on display in this office and are available for public inspection. A copy of any pertinent part of these Rules, tariffs, or service

regulations is available to applicants and customers upon request.

**b. Availability of Rules**

These Rules and any approved additions, revisions, or exemptions to these Rules shall be on display in each utility business office and be available for inspection. Each utility shall provide a copy of any pertinent part of these Rules to an applicant or customer upon request.

**B. Arkansas Public Service Commission**

These Rules shall be on display and available for inspection in the Office of the Secretary of the Commission. A copy of the Rules will be provided to any member of the public upon request.

## **SECTION 2. CUSTOMER RELATIONS**

### **Rule 2.01. Information on Utility Service**

#### **A. Printing Requirements**

- (1) Each utility shall provide the information required in Rule 2.01.B. in the form of one or more brochures. A telephone utility may include the information in the front of a telephone directory distributed to all customers instead of in brochures.
- (2) The information required in Rule 2.01.B. shall be in plain language and printed in a format that is easy to read and understand. The information shall also state in bold print that the Arkansas Public Service Commission requires utilities to provide this information.

#### **B. Information Requirements**

Each utility shall provide the following information based on the class of service:

- (1) A list and description of all rates for basic service, riders, discounts, options, and other information which would affect the choice of service within the service class;
- (2) A list and description of all approved fees and charges;

#### **EXCEPTIONS:**

- a. subdivisions (1) and (2) do not apply to telecommunications utilities;
- b. local exchange carriers shall provide a list and description of all rates for the basic types of exchange access service and any discounts which would apply to that service;
- (3) All billing plans and options available to the customer, such as levelized billing, extended due date policy, and sales tax exemptions;
- (4) A summary of rules and procedures for the payment, refund, and guarantee of deposits;

- (5) A summary of billing and estimated billing rules and procedures;
- (6) An itemized bill description, if not shown on the bill;
- (7) Procedures for verifying the accuracy of a bill;
- (8) A description of any automatic adjustment charge;
- (9) When service is billed by meter, instructions on how to read meters;
- (10) A summary of the rules and procedures for paying bills to include payments made to authorized payment agents;
- (11) A summary of the delayed payment agreement rules and procedures -- information on delayed payment agreements shall say that a customer who is having difficulty paying a utility bill may, if qualified, make payments in installments;
- (12) A summary of the rules and procedures for suspension, reconnection, and termination of service;
- (13) The options available to customers to avoid shut-off of service when a customer is away for an extended period;
- (14) A summary of the rules and procedures for giving someone else notice before shutting off a customer's service (Third-Party Notification procedures);
- (15) A summary of the rules and procedures for helping households avoid shut-off when there is a serious medical condition, elderly customer, or handicapped customer;
- (16) A summary of the shut-off rules and procedures for landlords and tenants;
- (17) The utility's local and/or toll-free telephone numbers, the address of the utility business offices for that area, and a statement that the customer may contact the utility for a list of authorized payment agents in the customer's area;
- (18) Procedures for making a complaint to the utility and the Commission;

- (19) Toll-free and local telephone numbers of the Commission and the mailing and street address of the Commission; and,
- (20) A statement that these Rules are on display and available through each utility business office.

**C. Distribution Requirements**

**(1) To Applicants**

Each utility shall give all information required by Rule 2.01. to each applicant.

**(2) Business Office Displays**

Each utility shall prominently display all information required under Rule 2.01. in all business offices open to the public.

**(3) On Request**

Each utility shall provide the information required under Rule 2.01. to anyone upon request.

**EXCEPTION:**

Local exchange carriers who include this information in the front of the telephone directory may refer members of the public to their directory or the information on display in each business office and are not required to provide a copy of this information.

**(4) To Commission**

A current copy of all information required by Rule 2.01. and any revisions to that information shall be provided to the Commission's Consumer Services Office.

**D. Utility Tariffs**

Each utility business office shall keep on file and, upon request, provide access to its current Commission-approved tariffs. Suitable and conspicuous signs shall be posted at each location informing the public that copies of the utility's Commission-approved rates and service regulations are available for inspection. See Rule 1.07.A.(2). (Ark. Code Ann. § 23-4-106.)

**Rule 2.02. Directory Listing for Utility Billing and Services**

Each utility shall list, in each local exchange carrier directory covering any area it serves, the telephone numbers that customers may call toll-free to report problems or ask about bills or services. A collect call from a customer accepted by the utility is considered to be a toll-free call.

**Rule 2.03. Customer Notice of Rule and Service Changes**

- A. The General Staff of the Commission will provide each utility with an annual summary of Commission-approved changes to the General Service Rules. Each utility shall advise its customers at least annually of the changes to those Rules. The General Staff's summary will not be legally binding.
- B. If a utility intends to change the character or type of service in a way that would substantially affect the provision of the service or the operation of any device, appliance, or equipment, it shall notify all affected customers by mail, bill insert, or other reasonable medium at least 30 days before the change.

**Rule 2.04. Service, Usage, and Billing History Information**

Customers or former customers shall be able to obtain the following information through their local utilities' business offices upon request:

- A. A statement of the customer's account record as recorded under Rule 7.02. The customer shall be informed at the time of the request of any Commission-approved charge for the statement.
- B. For electric and gas utilities, a clear and concise statement of actual energy consumption by the customer for each billing period during the prior 13 months. Where applicable, actual consumption shall be characterized as on-peak and off-peak consumption. Load data or information kept or recorded by the utility shall be provided to the customer upon request. The customer shall be informed at the time of the request of any Commission-approved charge for the statement or the load data.
- C. Such information and assistance as is reasonable in order that the customer may secure safe and efficient service

and may secure appliances properly adjusted to the service furnished.

#### **Rule 2.05. Customer Service**

##### **A. Service Requirements**

Utility personnel who serve the public shall be familiar with the content of all Commission Rules which apply to their respective job responsibilities. Utility personnel shall serve the public promptly and courteously.

##### **B. Customer Access to Business Office Personnel**

- (1) Each utility shall have personnel available at all times during business hours with the authority to make delayed payment agreements and handle customer questions and complaints.
- (2) All customers shall have toll-free telephone access to the appropriate business office. A collect call from a customer accepted by the utility is considered to be a toll-free call.

##### **C. Payment Arrangements - Customer Information and Referral**

When a customer informs a utility that he will have difficulty paying a bill, the utility shall offer to:

- (1) Inform the customer of his rights and obligations under Rule 6.13. covering delayed payment agreements; and,
- (2) Refer the customer to personnel with the authority to make payment arrangements for the utility as required under Rule 6.13.

#### **Rule 2.06. Complaints to the Utility**

A utility shall fully and promptly investigate all complaints. Utilities shall ensure that personnel follow these procedures and meet these standards:

##### **A. Personnel**

Utility employees responsible for dealing with the public shall promptly handle complaints or refer them to someone who can handle the complaint. When practical, employees



whose primary duties involve collections shall not investigate billing complaints.

**B. Complaint Records**

Utilities shall record all complaints and keep the record as required by Rule 7.04.

**C. Form of Complaint**

A customer shall not be required to visit the business office to make a complaint. A customer may make a complaint either orally or in written form.

**D. Effect of Complaint on Suspension**

- (1) When a customer disputes a utility's reason for shutting off service, the utility shall not suspend service while the utility or the Commission processes the complaint. If the utility's reason for shutting off service is Rule 6.01.A., D., E., F., H., O., or Q., the customer may be required to post a deposit with the utility equal to the disputed amount while the utility or the Commission processes a complaint. The customer must pay any undisputed amounts by the date printed on the most recent shut-off notice to avoid suspension of service. If the utility is in error, the deposit will be promptly refunded with interest.
- (2) The utility may waive the deposit allowed by this Rule.
- (3) Nothing contained in Rule 2.06.D.(1) shall prevent a customer who fails to post a deposit under this Rule from complaining to the Commission, but such action shall not affect the utility's right to suspend service.
- (4) The utility may suspend service for some other valid reason set out in Rule 6.01. while the utility or the Commission processes the complaint.

**E. Report**

- (1) A utility shall report, either by telephone, mail, or in person, the results of its investigation to a complainant within 3 business days of its completion.